

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 15-22 are presently active in this case; Claim 15 having been amended by way of the present amendment.

In the outstanding Office Actions, Claims 21 and 22 were restricted from Claims 15-20 as being directed to a patentably distinct sub-combination; Claims 15, 16, and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,276,679 to Joyce et al.; Claim 15 is rejected under 35 U.S.C. § 102(e) being anticipated by U.S. Patent No. 6,331,001 to Sekiguchi; and Claims 17, 19, 20 and 22 were objected to as being dependant on a rejected base claim.

Applicants wish to thank the Examiner for indication that Claims 17, 19, 20, and 22 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, Applicants wish to maintain Claims 17, 19, 20, and 22 in dependent form at this time since Applicants believe that the independent claim from which these claims depend is patentable over the cited references.

Applicants wish to thank Examiner Bower for the May 7 telephone interview, at which time the outstanding issues in this case were discussed. During the interview, Applicants inquired about the status of Claim 21, which was not addressed in the Official Action mailed March 18, 2002. After considering this question, Examiner Bower issued a Restriction Requirement on May 15 that restricted Claims 21 and 22 as directed to a separate invention from the invention of Claims 15-20. Applicants respectfully traverse this restriction requirement.

In response to the Restriction Requirement dated May 15, 2002, Applicants provisionally elect with traverse Group II, Claims 15-20, directed to a plurality of separating members. Applicants traverse the requirement for the following reason

MPEP § 803 states:

MPEP § 803

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

However, the outstanding Restriction Requirement has not established that an undue burden would exist if the Restriction Requirement was not issued and all the claims were examined together. Moreover, the claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully also traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 15-20 be conducted.

Applicants also wish to thank Examiner Bower for the May 8 telephone interview at which time Examiner Bower contacted Applicants to request that the statement in the specification incorporating by reference the priority document JP 11-51542 (see Preliminary Amendment filed November 19, 2001) be deleted. During the telephone interview, Examiner Bower explained that the incorporation of the priority document by reference is improper as incorporating essential material. Applicants explained to the Examiner that the priority document is incorporated not to provide essential material, but to provide a safeguard against any translational errors that may be contained in the U.S. Application. Applicants explained

that if during prosecution the Examiner believes that the priority document is relied on for essential material, then applicants would provide a certified translation of such material and amend the specification to include such material in accordance with the rules of incorporation by reference. The Examiner explained that he would consult his primary on this matter, but that no amendment to the specification is necessary at this time. The Examiner further explained that any further concerns would be addressed by the examiner in future office action.

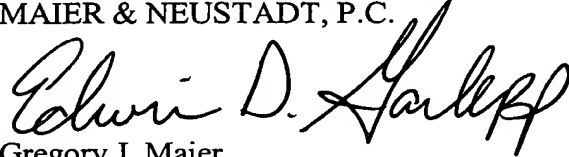
Turning now to the merits, in order to expedite issuance of a patent in this case, Applicants have now amended Claim 15 to clarify the patentable features of the claimed invention over the cited references. Specifically, Claim 15, as amended recites that the plurality of separating member are alternately selected to separate the sheets.

In contrast, the reference to Joyce et al discloses a floating idler pulley retard system for mixed mail separation. The retard module 10 includes various mechanical parts (30, 32, 34, 50, and 70) that work in unison to provide a separation function. Similarly, Sekiguchi discloses a sheet feeding machine having a pick up roller 36 and separating plate 37 that work in unison to provide a sheet separation function. The Official Action points to these groups of mechanical parts in the cited references as teaching the claimed plurality of separating members. However, the present amendment to Claim 15 clarifies that the plurality of separating members are alternately selected to separate the sheets, thereby distinguishing over a group of mechanical parts that work in unison to provide a separation function. Thus, Claim 15, as amended patentably defines over the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-8 is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

Please amend Claim 15 as follows:

15. (Amended) A sheet feeding device for an image forming apparatus, comprising:
a plurality of separating members for separating sheets one by one; and
an automatic separation angle switching mechanism for automatically switching an angle
of said plurality of separating members,
wherein said plurality of separating members are alternately selected to separate the
sheets.

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